

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 JAMES EDWARD SCOTT, III,

5 Plaintiff,

6 v.

7 MELISSA MICHELL, *et al.*,

8 Defendants.

Case No. 3:23-CV-00231-ART-CLB

**ORDER RE: MISCELLANEOUS
MOTIONS**

[ECF Nos. 19, 20, 21]

9 Before the Court are three motions filed by Plaintiff James Edward Scott: (1) a
10 motion requesting that the Court issue a scheduling order; (2) a motion to provide identity
11 of unserved defendant; and (3) motion to identify true name of Defendant Mallory. (ECF
12 Nos. 19, 20, 21, respectively.)

13 First, Plaintiff's motion requesting that the Court issue a scheduling order, (ECF
14 No. 19), is denied as moot. The Court issued the discovery plan and scheduling order on
15 May 6, 2024, (ECF No. 26), following the filing of Defendants' answer, (ECF No. 25).

16 Next, the motion to provide identity of unserved defendant states that the true
17 name of Defendant "Kathy Doe Nurse" is "Kathy Morales" and Plaintiff asks that the Office
18 of the Attorney General ("OAG") provide notice as to whether or not it will accept service
19 on Defendant Kathy Morales's behalf. (ECF No. 20.) After the filing of the motion, the
20 OAG filed a notice of acceptance of service on behalf of Kathy Morales. (ECF No. 22.)
21 Thus, the motion is denied as moot.

22 Finally, in Plaintiff's motion to identify the true name of Defendant Mallory, Plaintiff
23 has further identified Defendant "Mallory" as "Mallory Etchison". (ECF No. 21.) Plaintiff
24 asks that the OAG provide notice as to whether or not it will accept service on Defendant
25 Mallory Etchison's behalf. (*Id.*) The OAG filed notice stating that it could not accept service
26 on behalf of Mallory Etchison, but did file her last known address under seal. (ECF Nos.
27 22, 23.) Accordingly, Plaintiff's motion is denied as moot, but the Court will direct service
28 of Defendant Etchison by the U.S. Marshal.

1 Consistent with the above, **IT IS ORDERED** that Plaintiff's motion requesting that
2 the Court issue a scheduling order, (ECF No. 19), is **DENIED as moot**.

3 **IT IS FURTHER ORDERED** that Plaintiff's motion to provide identity of unserved
4 defendant, (ECF No. 20), is **DENIED as moot**.

5 **IT IS FURTHER ORDERED** that Plaintiff's motion to identify true name, (ECF No.
6 21), is **DENIED as moot**.

7 **IT IS FURTHER ORDERED** the Clerk shall **ISSUE** a summons for Defendant
8 **Mallory Etchison** and send the same to the U.S. Marshal with the address provided
9 under seal. (ECF No. 23.) The Clerk shall also **SEND** sufficient copies of the complaint,
10 (ECF No. 6), the screening order, (ECF No. 5), and this order to the U.S. Marshal for
11 service on the Defendant. The Court will separately provide to the U.S. Marshal a
12 completed USM-285 form for the Defendant Etchison.

13 **DATED:** May 6, 2024

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16 **UNITED STATES MAGISTRATE JUDGE**
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